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APPLICATION NO.	FILING DATE	FIRST NAMED INVENTOR	ATTORNEY DOCKET NO.	CONFIRMATION NO.
10/657,628	09/08/2003	Kip Petrykowski	104406-114981	9444
68040 7590 07/08/2008 STOLL KEENON OGDEN PLLC 2000 PNC PLAZA 500 WEST JEFFERSON STREET LOUISVILLE, KY 40202-2828				
EXAMINER				
HEWITT, JAMES M				
ART UNIT		PAPER NUMBER		
3679				
MAIL DATE		DELIVERY MODE		
07/08/2008		PAPER		

**Please find below and/or attached an Office communication concerning this application or proceeding.**

The time period for reply, if any, is set in the attached communication.

# Office Action Summary

**Application No.**

10/657,628

**Applicant(s)**

PETRYKOWSKI, KIP

**Examiner**

JAMES M. HEWITT

**Art Unit**

3679

-- The MAILING DATE of this communication appears on the cover sheet with the correspondence address --  
**Period for Reply**

A SHORTENED STATUTORY PERIOD FOR REPLY IS SET TO EXPIRE 3 MONTH(S) OR THIRTY (30) DAYS, WHICHEVER IS LONGER, FROM THE MAILING DATE OF THIS COMMUNICATION.

- Extensions of time may be available under the provisions of 37 CFR 1.136(a). In no event, however, may a reply be timely filed after SIX (6) MONTHS from the mailing date of this communication.
- If NO period for reply is specified above, the maximum statutory period will apply and will expire SIX (6) MONTHS from the mailing date of this communication.
- Failure to reply within the set or extended period for reply will, by statute, cause the application to become ABANDONED (35 U.S.C. § 133). Any reply received by the Office later than three months after the mailing date of this communication, even if timely filed, may reduce any earned patent term adjustment. See 37 CFR 1.704(b).

**Status**

- 1) ☒ Responsive to communication(s) filed on 07 March 2008 and 31 March 2008.
- 2a) ☒ This action is **FINAL**. 2b) ☐ This action is non-final.
- 3) ☐ Since this application is in condition for allowance except for formal matters, prosecution as to the merits is closed in accordance with the practice under *Ex parte Quayle*, 1935 C.D. 11, 453 O.G. 213.

**Disposition of Claims**

- 4) ☒ Claim(s) 1-21 is/are pending in the application.
- 4a) Of the above claim(s) \_\_\_\_\_ is/are withdrawn from consideration.
- 5) ☐ Claim(s) \_\_\_\_\_ is/are allowed.
- 6) ☒ Claim(s) 1-21 is/are rejected.
- 7) ☐ Claim(s) \_\_\_\_\_ is/are objected to.
- 8) ☐ Claim(s) \_\_\_\_\_ are subject to restriction and/or election requirement.

**Application Papers**

- 9) ☐ The specification is objected to by the Examiner.
- 10) ☐ The drawing(s) filed on \_\_\_\_\_ is/are: a) ☐ accepted or b) ☐ objected to by the Examiner.  
Applicant may not request that any objection to the drawing(s) be held in abeyance. See 37 CFR 1.85(a).  
Replacement drawing sheet(s) including the correction is required if the drawing(s) is objected to. See 37 CFR 1.121(d).
- 11) ☐ The oath or declaration is objected to by the Examiner. Note the attached Office Action or form PTO-152.

**Priority under 35 U.S.C. § 119**

- 12) ☐ Acknowledgment is made of a claim for foreign priority under 35 U.S.C. § 119(a)-(d) or (f).
- a) ☐ All b) ☐ Some \* c) ☐ None of:
1. ☐ Certified copies of the priority documents have been received.
  2. ☐ Certified copies of the priority documents have been received in Application No. \_\_\_\_\_.
  3. ☐ Copies of the certified copies of the priority documents have been received in this National Stage application from the International Bureau (PCT Rule 17.2(a)).

\* See the attached detailed Office action for a list of the certified copies not received.

**Attachment(s)**

- 1) ☐ Notice of References Cited (PTO-892)
- 2) ☐ Notice of Draftsperson's Patent Drawing Review (PTO-948)
- 3) ☐ Information Disclosure Statement(s) (PTO/S508)  
Paper No(s)/Mail Date \_\_\_\_\_
- 4) ☐ Interview Summary (PTO-413)  
Paper No(s)/Mail Date \_\_\_\_\_
- 5) ☐ Notice of Informal Patent Application
- 6) ☐ Other: \_\_\_\_\_

## DETAILED ACTION

### *Claim Rejections - 35 USC § 102*

The following is a quotation of the appropriate paragraphs of 35 U.S.C. 102 that form the basis for the rejections under this section made in this Office action:

A person shall be entitled to a patent unless –

(b) the invention was patented or described in a printed publication in this or a foreign country or in public use or on sale in this country, more than one year prior to the date of application for patent in the United States.

Claims 1-21 are rejected under 35 U.S.C. 102(b) as being anticipated by Bona et al (US 4,955,643).

With particular reference to Figs. 1 and 2 and Attachment A, Bona et al discloses a fluid fitting of two components comprising a body and a bolt, further comprising: a shank having a bore (as at 15) formed therethrough for receiving and passing fluid from a fluid supply; a hoop member attached to said shank and having a fluid port formed therein in fluid communication with said bore, said hoop member defining a hoop body and two opposing hoop edges, and having an axis directed through the radial center thereof; a first tapered boss extending outwardly from a first of said opposing hoop edges, said first tapered boss defining a first sealing surface; a second tapered boss extending outwardly from a second of said opposing hoop edges, said second tapered boss defining a second sealing surface; and the bolt (Fig. 2) for fitment through said hoop member and for threaded securement in a fluid receiving support structure, said bolt including a bolt sealing surface (groove 10 with gasket 9) complementary to said first sealing surface, said bolt being used to secure said hoop member to said fluid

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receiving support structure and to enable fluid flow from said supply, through said fitting to said fluid receiving support structure; wherein said bolt is formed with a fluid channel (14) therein for fluid communication with said hoop member and said shank member for flow therethrough to said fluid receiving support structure; wherein said first tapered boss includes a first inner tapered wall member and a first outer tapered wall member connected to said first inner tapered wall member, with said first sealing surface being defined by said first inner tapered wall member, and wherein said bolt sealing surface is complementary to said first sealing surface for sealing engagement therewith; further comprising a first joiner surface connecting said first inner tapered wall member and said first outer tapered wall member; wherein said second tapered boss includes a second inner tapered wall member, a second outer tapered wall member connected to said second inner tapered wall member, with said second sealing surface being defined by said second outer tapered wall member; further comprising a second joiner surface connecting said second inner tapered wall member and said second outer tapered wall member; wherein said first joiner surface is formed as an edge; wherein said second joiner surface is formed as an edge; wherein said first tapered boss includes a first inner tapered wall member and a first outer tapered wall member connected to said first inner tapered wall member, with said first sealing surface being defined by said first inner tapered wall member, and wherein said bolt sealing surface is complementary to said first sealing surface for sealing engagement therewith.

As described above, Bona et al discloses a method for directing fluid flow from a fluid supply to a threaded opening in a fluid receiving support structure, said method

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comprising the steps of: providing a fluid fitting of two components comprising a body and a bolt, further comprising the body having a shank with a bore formed therethrough for receiving and passing fluid from the fluid supply; affixing a hoop member attached to said shank and having a fluid port formed therein in fluid communication with said bore, said hoop member defining a hoop body and two opposing hoop edges, and having an axis directed through the radial center thereof; a first tapered boss extending outwardly from a first of said opposing hoop edges, said first tapered boss defining a first sealing surface; and a second tapered boss extending outwardly from a second of said opposing hoop edges, said second tapered boss defining a second sealing surface; providing a bolt for fitment through said hoop member and for threaded securement in a fluid receiving support structure, to secure said hoop member to said fluid receiving support structure, said bolt including a bolt sealing surface complementary to said first sealing surface; forming a fluid channel in one of said bolt and said fluid receiving support structure in fluid communication with said fluid port formed in said hoop member for fluid flow from said fluid supply through said fitting to said fluid receiving support structure; passing the bolt through the body and into the fluid receiving support structure thereby sealing the fluid fitting to the fluid receiving support structure.

### ***Response to Arguments***

Applicant's arguments filed 3/7/08 have been fully considered but they are not persuasive.

Applicant fails to specifically point out how the language of the claims patentably distinguishes them from Bona.

Applicant seems to argue that Bona does not disclose a metal-to-metal seal or uses only two components to effect sealing. In response, the claims do not require such. Refer to the above reading of Bona on the claims.

Applicant also seems to argue that Bona's sealing surfaces as outlined in Attachment A are not sealing surfaces. Examiner disagrees. Applicant seems to be affording too much weight to "sealing surface". Bona's metal surfaces can be reasonably considered "sealing surfaces" insofar as they directly engage the gasket to effect a seal.

Applicant argues that Bona does not include the tapered inner and outer wall members. Examiner disagrees. Refer to Attachment A.

### ***Conclusion***

**THIS ACTION IS MADE FINAL.** Applicant is reminded of the extension of time policy as set forth in 37 CFR 1.136(a).

A shortened statutory period for reply to this final action is set to expire **THREE MONTHS** from the mailing date of this action. In the event a first reply is filed within **TWO MONTHS** of the mailing date of this final action and the advisory action is not mailed until after the end of the **THREE-MONTH** shortened statutory period, then the shortened statutory period will expire on the date the advisory action is mailed, and any extension fee pursuant to 37 CFR 1.136(a) will be calculated from the mailing date of

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the advisory action. In no event, however, will the statutory period for reply expire later than SIX MONTHS from the mailing date of this final action.

Any inquiry concerning this communication or earlier communications from the examiner should be directed to JAMES M. HEWITT whose telephone number is (571)272-7084.

If attempts to reach the examiner by telephone are unsuccessful, the examiner's supervisor, Daniel Stodola can be reached on 571-272-7087. The fax phone number for the organization where this application or proceeding is assigned is 571-273-8300.

Information regarding the status of an application may be obtained from the Patent Application Information Retrieval (PAIR) system. Status information for published applications may be obtained from either Private PAIR or Public PAIR. Status information for unpublished applications is available through Private PAIR only. For more information about the PAIR system, see <http://pair-direct.uspto.gov>. Should you have questions on access to the Private PAIR system, contact the Electronic Business Center (EBC) at 866-217-9197 (toll-free). If you would like assistance from a USPTO Customer Service Representative or access to the automated information system, call 800-786-9199 (IN USA OR CANADA) or 571-272-1000.

/James M Hewitt/  
Primary Examiner, Art Unit 3679